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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,686	02/06/2002	James Brian Libby	9340.965US01	8775

7590 07/25/2005

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EXAMINER

NGUYEN, JIMMY H

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/068,686

Applicant(s)

LIBBY ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,5,6,8,12 and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,5,6,8,12 and 14-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 06/13/2005.

Claims 2, 5, 6, 8, 12 and 14-31 are currently pending in the application. An action follows below:

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 5, 6, 8, 12 and 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (USPN: 3,896,589), and further in view of McManigal (USPN: 5,253,051).

As per claims 5, 14, 15, 17 and 21-25, Mitchell discloses a window unit comprising a window frame (11) (fig. 1; col. 3, line 8); and two windows (two horizontally movable window sashes 12a, 12b; see fig. 1; col. 3, lines 8-9). Mitchell further teaches two sash windows (12a, 12b) capable of moving along a horizontal window unit axis (col. 3, lines 5-10 and lines 55-62), thereby inherently creating or forming an opening in the wall of the structure. Mitchell does not expressly teach one of the two windows including a display module for receiving a display signal and displaying the display signal. Accordingly, Mitchell discloses all the claimed limitations of these claims except a display module as presently claimed.

However, McManigal discloses a window unit comprising two windows, a first window (a window including two left portions 32 as shown in fig. 6) and a second window or a multi-task window (see fig. 6) including a video screen 31 (corresponding to the claimed display module) and three remaining portions 32 (see fig. 6). McManigal further teaches the display

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module (video display 10/31, see figs. 2 and 6, col. 2, lines 64-66, col. 5, line 31) adapted to receive a display signal from a display signal source (col. 1, line 61 through col. 2, line 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide a display module in the first or second window of Mitchell, in view of the teaching in the McManigal reference, because this would provide the user to view simultaneously the outside scene and the selected scene presented on the video display, as recognized by one of ordinary skilled in the art as taught by McManigal (col. 1, line 40 through col. 2, line 29). Therefore, it would haven been obvious to one of ordinary skill in the art at the time of the invention was made to combine McManigal with Mitchell to obtain the invention defined in these claims.

Regarding to claims 2, 12, 16, 18 and 30, McManigal discloses that the display module is a liquid crystal display adapted to receive a digital display signal from the display signal source (col. 3, line 65 through col. 4, line 9). Further, McManigal discloses that the display module is a CRT device conventionally adapted to receive an analog display signal from the display signal source (col. 2, lines 64-66, col. 4, lines 1-9).

Regarding to claims 6, 8 and 26-29, as applied to claims 5 and 25 above, Mitchell further teaches a tap (a handle 95, see fig. 1) for allowing a user to grasp and easily to move the window. Accordingly, the combination of Mitchell and McManigal discloses all the claimed limitations except for at least a portion of the window or the entire window extends beyond the frame perimeter or into the wall adjacent the window frame, as presently claimed. However, Official Notice is taken that at least a portion of the window or the entire window extending beyond the frame perimeter or into the wall is well known and expected in the art, e.g., the operation of the

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window of the door car, or the door of an elevator. Further, the benefits of using at least a portion of the window or the entire window extending beyond the frame perimeter or into the wall to provide a full range of opening are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the Mitchell window capable of extending beyond the frame perimeter or into the wall adjacent the frame, because this would provide a full range of opening.

Regarding to claims 19 and 20, these claims are similar to a combination of claims 7 and 17 above, these claims are therefore rejected for the same reason as set forth in claims 7 and 17 above.

Regarding to claim 31, as noting in fig. 2, col. 5, line 25, McManigal discloses a speaker (24').

#### ***Response to Arguments***

4. Applicant's arguments filed 06/13/2005 have been fully considered but they are not persuasive. Applicant argues that **McManigal does not teach the display 10 mounted in a wall of the structure**, see page 6, last paragraph, through page 7 of the amendment. Examiner agrees. However, as discussed in the rejection above, McManigal expressly teaches a video screen 31 (corresponding to the claimed display module) housed in the window (see the rejection above and figs. 2 and 6 of the McManigal reference). Further, Mitchell expressly teaches the window housed in the window frame disposed in a wall of a structure. Therefore, by providing a display in the window of Mitchell in view of the teaching in the McManigal reference, the display is mounted in the wall of the structure. Further, Applicant argues that the motivation to modify Mitchell as taught by McManigal does not exist because "In Mitchell, one already has a window

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through which the outside scene may be viewed. One already having the window (and view) of Mitchell would therefore not need to modify Mitchell's window so as to view simultaneously the outside scene, as suggested by the Examiner. In other words, the motivation suggested by the Examiner ... Because of this apparent redundancy, ... Examiner", see page 8, lines 10-17.

Examiner disagrees because the Mitchell reference itself does not teach a display in the window, thereby not to allow the user to view the selected scene displayed on the video display. However, the window of Mitchell in view of McManigal is capable of allowing the user to view simultaneously the outside scene and the scene displayed on the video display. In other words, there is motivation for combining McManigal with Mitchell to obtain the invention as presently claimed.

For the above reasons, the rejections are maintained.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yanagisawa (US 6,144,417) discloses a related window unit comprising a window frame and a window housed in the window frame and including a display capable of receiving a display signal (see figs. 1 and 6, column 4, line 57 through column 5, line 8).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

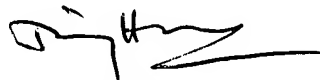
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is 571-272-7675.

The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHN  
July 21, 2005



Jimmy H. Nguyen  
Primary Examiner  
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